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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/099,825   | 03/15/2002  | Allen Ray Harrison   | 09469/108001; 59.0044           | 2684                        |
| 55346  | 7590        | 04/04/2008           |                                 |                             |
| OSHA . LIANG L.L.P. / SLB<br>1221 MCKINNEY STREET<br>SUITE 2800<br>HOUSTON, TX 77010 |             |                      | EXAMINER<br>POND, ROBERT M      |                             |
|  |             |                      | ART UNIT<br>3625                | PAPER NUMBER                |
|  |             |                      | NOTIFICATION DATE<br>04/04/2008 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lord@oshaliang.com  
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docketing@oshaliang.com

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/099,825 | <b>Applicant(s)</b><br>HARRISON ET AL. |  |
|                              | <b>Examiner</b><br>Robert M. Pond    | <b>Art Unit</b><br>3625                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10/09/07; 2/01/08.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-15, 17 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-15, 17 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

Petition to revive was granted. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09 October 2007 has been entered.

### ***Response to Amendment***

The Applicant amended claims 1, 2, 13-15 and newly added claims 20-23. Claims 9, 16, 18 and 19 were canceled. All pending claims 1-8, 10-15, 17 and 20-23 were examined in this non-final office action.

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed 09 October 2007, with respect to the rejection(s) of claim(s) 1-8, 10-15, 17 and 20-23 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Henson and Henrion. Regarding oil field product, Henson and

Henrion teach and suggest making product recommendations. Oil field products are merely products. Greef was withdrawn and therefore arguments based on Henson and Greef are now moot.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**1. Claims 1-8, 10-15 and 17 are rejected under 35 USC 103(a) as being unpatentable over Henson (Paper #20050202, US 6,167,383) in view of Henrion (US 20020077931).**

Henson teaches a system and method of providing sales advice on simple and complex products and pricing associated with each product or product configuration. Henson teaches providing the virtual shopper with alert notifications as to potentially problematic product options (please note examiner's interpretation: system is providing advise to the shopper) (e.g. long lead time resulting in shipment delays) (see at least abstract: Fig. 1(18, 28, 32, 34); col. 1, line 15 through col. 3, line 54; col. 6, lines 44-67; col. 8, lines 7-33). Henson further teaches the following:

- Receiving a request from the user regarding two or more elements in the catalog; retrieving information about each of the elements: (see at least Fig. 3A (77, 79, 75); col. 6, lines 18-30).

- Determining if the product is simple; if not simple, then obtain pricing input from a pricing modules: Inherent in Henson are the structures necessary to permit the function to be performed. For example, Henson displays pricing on simple and complex products as noted above.
- Prompting the user to input additional information based upon the advisory input and pricing input: “Help Me Choose” icon prompts shopper to click; “Lead Time Warning” icon prompts shopper to click (see at least Fig. 3c (76); col. 6, lines 18-67).
- System components: online store, databases, customer relationship management (e.g. customer set or Premier pages), Internet connectivity, web browsers, interface to database (e.g. cart, configurator, check-out) (see at least Fig. 1 (18, 22, 26); col. 4, line 53-col. 6, lines 17; col. 14, lines 35-61); correlation engine- Henson inherently discloses the structure that permits the function to be performed (e.g. computer product requires memory, input devices; long lead-time warning for one system component delays shipment beyond normal shipping dates).

Henson teaches all the above as noted under the 103(a) rejection and teaches i) a product configuration application making product recommendations to a user based on user selections and responses to the configuration application and ii) assessing the compatibilities of a combination of products. Although Henson does not mention weighting factors, sorting and recommendation value, Henrion on the other hand teaches an automated system to guide users to help

them find and select products, service, or other items. The system of Henrion scores the available items in terms of how well the match user's needs and preferences and generates lists of recommended items. The system explains its recommendations uses lists of pros and cons to help users understand how well the features or attributes of the items do or do not match their expressed needs. See at least abstract; 0006. Henrion teaches methods for scoring, ranking and using weights of each attribute that supports that benefit and set requirements for attributes necessary to support that benefit. See at least 0009-0015. Henrion further teaches a recommendation value:

The system generates a "personalized explanation" for some or all of the items in a recommendation list. The explanation may contain zero or more pros and cons. "Pros" and "cons" are lists of attributes that have different values for different alternatives in the recommendation list. A "pro" identifies each attribute whose values meet user preferences or requirements well. Conversely, a "con" identifies each attribute whose values meet user's preferences poorly or fail to meet a user's requirements. The system estimates a numerical "preference value" representing the degree to which each possible attribute value meets or fails to meet the user's requirements or preferences. The system calculates a "relative preference value" for each attribute of an item as the difference between the preference value for that item and the average preference value for all items in the category. It identifies an attribute as a pro if the relative preference value is positive (or above a minimum threshold value). It identifies an attribute as a con if the relative preference value is negative (or below a minimum threshold value). The explanation may also mention other attributes that are of possible relevance to the user but are not identifiable as pros or cons due to missing information on the attribute importance or the attribute value. This personalized explanation allows the system to highlight for each user the advantages and disadvantages of each item

relative to the others on the list based on the user's expressed preferences. See at least 0014.

One of ordinary skill in the art would have recognized that applying the known techniques of Henrion would have yielded predictable results and resulted in an improved system. It would have been recognized that applying the technique of Henrion to the teachings of Henson by incorporating supporting methods to derive a recommendation value would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied show the ability to incorporate such data process features into similar systems. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. v. Teleflex Inc.*

**2. Claims 20-23 are rejected under 35 USC 103(a) as being unpatentable over Henson (Paper #20050202, US 6,167,383) and Henrion (US 20020077931).**

Henson and Henrion teach all the above as noted under the 103(a) rejection and teach and suggest a product recommendation system spanning multiple industry products/services (e.g. computers and computer components, cameras, shoes, medicine, insurance, automobiles, jobs, dating service, travel, consulting, software) and further teach and suggest searching and making recommendations based on parametric data associated with products. See at least 0004; 0009; 0013; 0017; 0022. One of ordinary skill in the art in the oil field products industry would have found it obvious to search on parametric data associated with oil field products in order to gain the commonly understood benefits of such adaptation of

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Henson and Henrion, such parametric data pertaining to at least dimensions and pressure. Obviousness under 35 USC 103 in view of the Supreme Court decision *KSR International Co. v. Teleflex Inc.*

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert M. Pond/  
Primary Examiner, Art Unit 3625  
March 30, 2008